

19.49

File No. C.P.C. II/49
(R)



Legal DEPARTMENT
B BRANCH

Subject:—

P 3 E

Rules under the Codes
of Civil Procedure, 1908.

File No. C.P.C. II/49 (R)
Std. Sectt. Slip 24 B e.

352B

Submitted with reference to P. & S.D. office note at pp. 19-20 ante.

Attention is invited to this Govt. letter at p. 13 ante in which amendment of secs. 36-37 of the Civil Procedure Code was suggested to the Govt. of India with a view to withdrawing some of the privileges which Rulers of States at present enjoy if they are to be permitted to hold properties in the Indian Dominion without any limitation. The Govt. of India in their letter at p. 15 ante have now made it clear that it is not considered necessary to cancel the rules issued by the Provl. Govt. in regard to acquisition of properties by Ruling Chiefs altogether, but that the rules may be relaxed in the following two respects:

(1) The condition that the property shall be acquired as State property should be removed.

(2) There should be no restrictions on the acquisition of property by the relatives of Rulers. The Govt. of India further do not consider it necessary to amend sections 36 and 37 of the Civil Procedure Code as suggested by the Bombay Govt. The P. & S.D. is inclined to accept the proposals now made by the Govt. of India. However the papers are referred for Addl. Secy's remarks.

Legal Department.

the policy laid down by the Government of India may
be adopted.

Sd/- J.R. Dhurandar.
S-4

Additional Secretary to Government.

U.R. T. P. & S.D. , No 3546 , dated the 8th April
1949.

V.M.D.4-6

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Legal Department.

The High Court has apparently overlooked the amendment made in Rule 9 by Government Notification, Home Department No. 3635/3, dated the 22nd May 1934. That notification substituted a new clause (a) of Rule 9. The amendment made by the Home Department Notification referred to does not seem to have been included in the Rules when the High Court issued their Civil Manual in 1940. The Local Rules and Orders, Volume III, 5th Edition, has taken into account the amendment made by the Home Department Notification 1934 and Rule 9 as amended by the Home Department Notification has accordingly been printed in the Local Rules and Orders. This accounts for the difference in Rule 9 & 2(a) as published in the Civil Manual and in the Local Rules & Orders.

Sd/- J.R. Dhurandar.

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Additional Secretary to Government.

L.R. to H.D. No. 3397, dated the 30th July 1949.